

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71214 of 2018**

Arising Out of PS. Case No.-69 Year-2018 Thana- ISUAPUR District- Saran
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1. Marachho Devi@ Marachhiya Devi @ Mariyo Devi Wife of Paltan Sah.
2. Pushpa Devi, Wife of Baharan Sah, Both resident of Village- Doila, P.S.- Mashrakh, District- Saran at Chapra.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioners : Mr. Dewendra Narayan Singh, Advocate.

For the Opposite Party: Mr. J.K. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 05-03-2019 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 302, 204, 498(A)/34 of the Indian Penal Code registered in connection with Ishuapur P.S. Case No. 69 of 2018.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact the deceased died of heart disease and cardiac arrest. There is no eye witness to the occurrence and except suspicion, there is no other material to connect the petitioners with the alleged occurrence. The deceased was married more than 20 years ago and no complaint was ever made by her with respect to any torture or cruelty



upon her. The petitioner no. 1 is the mother and petitioner no. 2 is another wife of the husband of the deceased. The petitioners claim clean antecedents.

4. Learned APP submits that there is no post mortem report in the case diary.

5. A perusal of paragraphs-37 and 38 of the case diary shows that witnesses have stated that the deceased died of cardiac arrest and that the petitioner no. 2 was a relative of the deceased and was married to the son of the petitioner no. 1 as he did not have any issue with the deceased. It has also stated that there was no dispute within the family.

6. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saran at Chapra in connection with Ishuapur P.S. Case No. 69 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relatives other than the petitioners herein.

(ii) That the petitioners shall not indulge in any



similar offence till conclusion of the trial.

(iii) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall be well represented in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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